

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: <b>Yabuta et al.</b>	§	
	§	Group Art Unit: <b>3625</b>
Serial No. <b>09/900,265</b>	§	
	§	Examiner: <b>Fadok, Mark A.</b>
Filed: <b>July 6, 2001</b>	§	
	§	
For: <b>Method and System for</b>	§	
<b>Performing Commodity Purchasing</b>	§	

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**36736**  
PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

**REPLY BRIEF (37 C.F.R. 41.41)**

This Reply Brief is submitted in response to the Examiner's Answer mailed on October 31, 2006.

No fees are believed to be required to file a Reply Brief. If any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0461.

## RESPONSE TO EXAMINER'S ANSWER

### **A. GROUND OF REJECTION 1 (Claims 6-9, 16, and 17)**

In response to Appellant's assertion that Fox fails to teach in response to the connection request not including the identifier, executing session control for the device using history information that is communicated between the system and the device, the Examiner states:

Appellant argues that Fox does not teach "in response to the connection request not using the identifier, executing session control for the device using history information that is communicated between the system and the device". As noted by the examiner in the previous office action server 112 (FIG 1) has means for being accessed by both a wireless device and a desktop PC. It is clear in Fox (col 6, lines 25-35) that the web server maintains a list of subscriber Ids for providing access to the mobile devices and that the PC uses HTTP from a HTML web browser to access the server, the later not requiring a subscriber id such as when a mobile device is used. The examiner further directs the appellant's attention to there own disclosure for an example of this conventional accessing by an HTTP enabled browser (see FIG 1, page 2, lines 1-7, page 5, lines 12-20, page 14, lines 1-5 and page 18, line 19 - page 19, line 4).

(Examiner's Answer, pages 4-5)

Appellants respectfully submit that the Examiner has improperly characterized the Fox reference. The Examiner alleges that "It is clear in Fox (col 6, lines 25-35) that the web server maintains a list of subscriber Ids for providing access to the mobile devices and that the PC uses HTTP from a HTML web browser to access the server, the later not requiring a subscriber id such as when a mobile device is used." The section cited by the Examiner reads as follows:

FIG. 3 illustrates a typical table maintained in a Web server that allows web page subscriptions and provides notifications when subscribed web pages are modified. Referring to the table in FIG. 3, a subscriber ID list 302 maintains a list of subscriber IDs of the mobile devices through which the users desire to fetch information from the Web server and be informed of any changes to the particular pages. Associated with each subscriber in list 302 is a table of web pages to which the subscriber has "subscribed."

(Fox, column 6, lines 25-35)

In this section, Fox a subscriber ID list that maintains a list of subscriber IDs of **the mobile devices** through which the users desire to fetch information from the Web server and be informed of any changes to the particular pages. Thus, Fox only supports mobile devices access the web server and

not personal computers. In fact, Fox describes that personal computers are to be used as Web servers. Fox states:

It is understood to those skilled in the art that PC 110 can store accessible information therein so as to become a information server as well.

(Fox, column 2, lines 62-65)

Using the proxy server 114, the mobile device 106 may communicate with any one of the computer servers 112 or the PCs 110 on the Internet via the carrier infrastructure 108.

(Fox, column 3, lines 6-8)

Thus, the Examiner's allegation that "the later (a PC) not requiring a subscriber id such as when a mobile device is used" is not supported by the Fox reference. That is, Fox uses a PC as a Web server and not as a device that is connection to a Web server. Additionally, Appellants' arguments are based on the merits of the references cited by the Examiner and allegations made by the Examiner in prior Office Actions.

Thus, Fox does not teach each and every feature of independent claims 6 and 16 as is required under 35 U.S.C. § 102. At least by virtue of their dependency on independent claims 6 and 16, the specific features of dependent claims 7-9 and 17 are not taught by Fox. Accordingly, Appellants respectfully request the rejection of claims 6-9, 16, and 17 under 35 U.S.C. § 102 not be sustained.

## **CONCLUSION**

In view of the above, Appellants respectfully submit that claims 6-9, 16, and 17 are allowable over the cited prior art and that the application is in condition for allowance. Accordingly, Appellants respectfully request the Board of Patent Appeals and Interferences to reverse the rejections set forth in the Final Office Action.

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